

Introduced by Senator Hill

February 18, 2014

An act to add Section 765 to the Public Utilities Code, relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 1064, as introduced, Hill. Public Utilities Commission: railroads: safety.

Existing law provides that the Public Utilities Commission has certain responsibilities for the inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads, including public mass transit guideways, and for enforcement of state and federal laws, regulations, orders, and directives relative to railroad safety.

Existing law, with respect to safety recommendations of the National Transportation Safety Board (NTSB) concerning gas pipelines, requires the commission to respond to a safety recommendation letter sent to the commission by the NTSB within 90 days. Existing law requires the commission, in its response to the NTSB, to indicate whether the commission intends to implement the recommendations in whole or in part, or whether the commission refuses to implement the recommendations, as specified. Existing law requires the commission's decision to be detailed in writing and to be approved by a majority vote of commissioners. Existing law requires the commission to issue orders or adopt rules to implement the NTSB recommendations if the commission determines that they are appropriate. Existing law requires the commission to report on any action taken on NTSB recommendations in an annual report submitted to the Legislature.

This bill would enact similar provisions applicable to NTSB safety recommendations concerning railroads.

Under existing law, a violation of an order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because this bill would require the commission to issue orders or adopt rules to implement any safety recommendation of the NTSB relative to railroads that the commission determines to be appropriate, and a violation of those orders or rules would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 765 is added to the Public Utilities Code,
- 2 to read:
- 3 765. (a) When the federal National Transportation Safety
- 4 Board (NTSB) submits a safety recommendation letter concerning
- 5 railroad safety to the commission, the commission shall provide
- 6 the NTSB with a formal written response to each recommendation
- 7 no later than 90 days after receiving the letter. The response shall
- 8 state one of the following:
- 9 (1) The commission's intent to implement the recommendations
- 10 in full, with a proposed timetable for implementation of the
- 11 recommendations.
- 12 (2) The commission's intent to implement part of the
- 13 recommendations, with a proposed timetable for implementation
- 14 of those recommendations, and detailed reasons for the
- 15 commission's refusal to implement those recommendations that
- 16 the commission does not intend to implement.
- 17 (3) The commission's refusal to implement the
- 18 recommendations, with detailed reasons for the commission's
- 19 refusal to implement the recommendations.
- 20 (b) If the NTSB issues a safety recommendation letter
- 21 concerning any commission-regulated railroad facility to a

1 commission-regulated rail operator or to the commission, the
2 commission shall determine if implementation of the
3 recommendation is appropriate. The basis for the commission's
4 determination shall be detailed in writing and shall be approved
5 by a majority vote of the commission.

6 (c) If the commission determines that a safety recommendation
7 made by the NTSB is appropriate, the commission shall issue
8 orders or adopt rules to implement the safety recommendations as
9 soon as practicable. In implementing the safety recommendation,
10 the commission shall consider whether a more effective, or equally
11 effective and less costly, alternative exists to address the safety
12 issue that the recommendation addresses.

13 (d) Any action taken by the commission on a safety
14 recommendation letter shall be reported annually, in detail, to the
15 Legislature with the report required by Section 321.6. Any
16 correspondence from the NTSB indicating that a recommendation
17 has been closed following an action that the NTSB finds
18 unacceptable shall be noted in the report required by Section 321.6.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.